

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jerry Sheppard,)	
)	C/A No. 4:07-0428-MBS -TER
Plaintiff,)	
)	
vs.)	
)	
Michael Pettiford, Warden; Lavette)	
Peeples, Correctional Officer;)	O R D E R
Jose Estrella, Supervisory Chaplain,)	
)	
Defendants.)	
_____)	

Plaintiff Jerry Sheppard is an inmate in custody of the Federal Bureau of Prisons who currently is housed at FMC-Butner in Butner, North Carolina. At the time of the underlying events, Plaintiff was housed at the Federal Correctional Institution in Bennettsville, South Carolina. Plaintiff, proceeding pro se, filed a complaint on February 13, 2007 against employees of FCI-Bennettsville.

This matter is before the court on Plaintiff's motion for default judgment. (Entry 28). Plaintiff contends that Defendants have failed to respond to his complaint. Defendants filed a response in opposition on November 16, 2007.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers III for pretrial handling. On December 18, 2007, the Magistrate Judge issued a Report and Recommendation in which he noted that Defendants were served with the complaint on or about July 8, 2007, filed for and were given an extension of time to respond until September 10, 2007, and thereafter timely filed an answer on September 10, 2007. Accordingly, the Magistrate Judge recommended that Plaintiff's motion for default judgment be denied. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. Plaintiff's motion for default judgment (Entry 28) is denied. The matter is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

January 23, 2008